

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: April 8, 2004

Opposition No. **91152940**

SINCLAIR OIL CORPORATION

v.

SUMATRA KENDRICK

Andrew P. Baxley, Interlocutory Attorney:

On August 28, 2003, the Board denied opposer's motion to compel discovery because opposer's thirty-nine page brief in support thereof exceeded the Board's twenty-five page limit for briefs on motions. See Trademark Rule 2.127(a).

On September 10, 2003, opposer concurrently filed two separate motions to compel discovery, one with regard to interrogatories and another with regard to document requests. Applicant did not file a brief in response to either motion. On January 29, 2004, the Board issued a decision in connection with opposer's motion to compel with regard to the interrogatories.

Opposer's motion to compel with regard to document requests, however, did not become associated with the proceeding file. On or about March 1, 2004, however, opposer's attorney contacted the Board attorney assigned to this case to inquire as to why no decision had been issued

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with regard to the motion to compel with regard to its request for production. The Board attorney indicated that no motion to compel with regard to its first request for production was of record and asked opposer's attorney to re-submit the motion to compel with regard to its first request for production. Opposer then re-submitted the motion to compel with regard to its first request for production.

In an attempt to circumvent the page limitation set forth in Trademark Rule 2.127(a), opposer has divided a single motion to compel into two motions separately addressing the interrogatories and document requests as a means of filing two briefs totaling thirty-eight pages. Such tactics are in clear violation of the applicable rules. See *Estate of Shakur v. Thug Life Clothing Co.*, 57 USPQ2d 1095, 1096 (TTAB 2000).

Accordingly, because opposer's combined briefs in support of what should have been a single motion to compel are in excess of the twenty-five-page limit set forth in Trademark Rule 2.127(a), the January 29, 2004 order is hereby vacated, and both of opposer's concurrently filed motions to compel are hereby denied.

Proceedings herein are resumed. Discovery and trial dates are hereby reset as follows.

DISCOVERY PERIOD TO CLOSE: **7/12/04**

Plaintiff's thirty-day testimony period to close: **10/11/04**

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Defendant's thirty-day testimony period to close: **12/10/04**

Plaintiff's fifteen-day rebuttal period to close **1/24/05**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.